

while absent from their several place of abode, in and about the business of such Commission, as they may deem reasonable; *Provided*, That the whole amount of such expenditure shall not exceed the sum of fifteen hundred dollars.

Sec. 5. Upon the presentation of a certificate signed by any three of said Commissioners, certifying the amount due to any person for either of the items herein mentioned, the State Auditor is hereby authorized and required to draw warrants upon the State Treasurer for the same, the whole amount of said warrants not to exceed the sum of fifteen hundred dollars. Expenses incurred, how paid

Sec. 6. This act shall take effect from the day of its passage.

Approved, February 17, 1863.

CHAPTER XXVI.

An Act to amend Chapter Seventy-six of the Session Laws of 1860, relating to Judges of Probate.

- SECTION 1. When Judge deemed incapacitated to act, Judge of adjoining county to act in place of.
 2. Penalty for violation of provisions of this act.
 3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Chapter 76 of the Session Laws of 1860, be amended so as to read as follows:

Sec. 1. That when any Judge of Probate, his wife or child, shall be an heir or legatee, or when any such Judge of Probate shall be an executor or administrator of the estate of a deceased person, or a creditor of such estate, or in any manner interested in the estate of a deceased person, or any property claimed by a deceased person, he shall be deemed to be incapacitated for executing the duties of his office in relation to that estate; and in case of such incapacity, the County Attor- When Judge deemed incapacitated to act

When Judge of adjoining county may act

ney of the county in which the Judge of Probate is so incapacitated, shall be vested with all the powers and authority given by statute to the Judge of Probate, when not incapacitated as above, and shall act in the place and stead, and perform the duties of such Judge of Probate in relation to such estate; and in case the County Attorney should be incapacitated as above, or in any other manner unable to act, then the Judge of Probate of an adjoining county, to be designated by the next of kin, the largest legatee or creditor, shall be vested with all the powers given by statute to the Judge of Probate or County Attorney of the proper county, when not incapacitated as aforesaid.

Penalty for violation of provisions of this act

SEC. 2. Any Judge of Probate or County Attorney, incapacitated to act under the provisions of this act, who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and for every such offence shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, to be recovered by indictment and prosecution, which said fine shall be paid into the county treasury, for the benefit of the common school fund of the county, where such offence shall be committed.

SEC. 3. This act shall be in force from and after its passage.

Approved, March 3, 1863.

CHAPTER XXVII.

An Act to amend Section Seventy, Page 566, of the Compiled Statutes, relating to Actions of Replevin.

SECTION 1. Judgment may be rendered for either party for immediate return of property or value thereof.

2. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 70, Page 566, of the Com-